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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BEN GILES,

Plaintiff,

v.

JUSTIN PAUL THOMPSON, WATER TOYS,
INC., ISLAND BOAT RENTALS, KDME,
INC., and DOES I through L, inclusive,

Defendants.

CASE NO. 08CV0439 L RBB

JOINT DISCOVERY PLAN

Action Filed : March 10, 2008

Trial Date : None Set

Plaintiff, BEN GILES, by and through his attorney of record, Law Offices of Friedberg & Bunge, by Thomas F. Friedberg, and defendant, KDME, INC., by and through their attorney of record, Feerick & Associates, by Thomas F. Feerick, submit the following Joint Discovery Plan:

1. Rule 26(f) conference: On June 20, 2008, pursuant to Federal Rules of Civil Procedure, Rule 26(f) and this Court's Scheduling Order, Thomas F. Friedberg, attorney for

1 plaintiff, BEN GILES, and Thomas F. Feerick, attorney for KDME, INC., met and conferred to
2 develop a joint discovery plan.

3 **2. Pre-Trial Disclosures:** The parties will exchange their pre-trial disclosures on or
4 before June 27, 2008.

5 **3. Status of Case:** Defendant, JUSTIN THOMPSON, was personally served on May
6 16, 2008. No appearance has been entered to date on behalf of JUSTIN THOMPSON.

7 **4. Discovery Plan:** The parties jointly propose to the Court the following discovery
8 plan, which will likely need to be modified once an appearance is made by defendant
9 THOMPSON.

10 a. Discovery will be needed on the following subjects:

- 11 1. Ownership, title, rental, lease, maintenance and control of the personal
12 water craft operated by JUSTIN THOMPSON.
- 13 2. Operation and business activities, including inventory of rental personal
14 water craft, of defendant, KDME, INC.
- 15 3. Operation and business activities, inventory of personal water craft of
16 WATER TOYS.
- 17 4. Sales of personal water craft and other business assets from WATER TOYS
18 to KDME, INC.
- 19 5. Third party brokerage of sale of business of WATER TOYS to KDME,
20 INC.
- 21 6. Facts, circumstances and reconstruction of subject accident.
- 22 7. Nature and extent of plaintiff's injuries, including future medical treatment
23 and the costs thereof.
- 24 8. Plaintiff's loss of earnings and loss of earning capacity claims.
- 25 9. Other issues as agreed to by counsel or upon showing of good cause.

26 b. Written discovery to commence following receipt of the parties Rule 26(a)(1)
27 disclosures.

28 c. Written discovery:

- 1 1. Maximum of 25 interrogatories by each party to any other party. Responses
- 2 due 30 days after service, unless agreement reached to extent due date.
- 3 2. Maximum of 25 requests for admissions by each party to any other party.
- 4 Responses due 30 days after service, unless agreement reached to extent
- 5 due date.
- 6 3. Maximum of 25 requests for production by each party to any other party.
- 7 Responses due 30 days after service, unless agreement reached to extent
- 8 due date.
- 9 4. Third party document subpoenas pursuant to Rule 45.
- 10 d. Depositions:
- 11 1. Maximum of 25 depositions by plaintiff and 25 depositions by defendants,
- 12 unless otherwise agreed to by the parties or for good cause shown.
- 13 2. Each deposition shall be limited to maximum of 4 hours unless extended by
- 14 agreement or for good cause shown.
- 15 e. Designation of and reports by initially retained experts under Rule 26(a)(2) due by
- 16 all parties 120 days before trial.
- 17 f. Supplementations under Rule 26(e) due 30 days before trial.

18 **5. Further Status:** The parties request a status conference be set to discuss further scheduling
19 once an appearance has been entered by all parties.

20 DATED: June 20, 2008

LAW OFFICES OF FRIEDBERG & BUNGE

22 By: S/THOMAS F. FRIEDBERG
23 THOMAS F. FRIEDBERG, ESQ.
24 Attorney for Plaintiff, BEN GILES

24 DATED: June 20, 2008

FEERICK & ASSOCIATES

26 By: S/THOMAS F. FEERICK, ESQ.
27 THOMAS F. FEERICK, ESQ.
28 Attorney for Defendant, KDME, INC.